

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 1414

INTRODUCER: Senator Burgess

SUBJECT: Driving Over the Speed Limit

DATE: January 14, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Pre-meeting</b>
2.			CJ	
3.			RC	

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**I. Summary:**

SB 1414 redefines the offense of reckless driving to include a person who drives any vehicle 40 miles per hour (mph) or more above the lawful or posted speed limit.

The bill also revises a current provision of law requiring a person who exceeds the posted speed limit in excess of 50 mph in violation of established and authorized speed limits on state limited access highways, other state roadways, and municipal and county roads to be cited for a moving violation. Under the bill, a person who drives any vehicle at up to 39 mph above the lawful or posted speed limit must be cited for a moving violation, subjecting a violator to a potential fine based on a range, from a warning for excess speed from one to five mph, to increasing penalties up to \$250 for excess speed 30 mph and above.

The bill further amends the current provision to provide that a person who commits the offense of reckless driving by driving any vehicle 40 mph or more above the lawful or posted speed limit must be punished under existing, more stringent penalties for reckless driving.

Lastly, the bill reenacts various sections of law to incorporate the amendments made by the bill.

The fiscal impact of the bill is expected to be positive due to the potential imposition of more stringent penalties, but indeterminate, as the fiscal is dependent on the number of and applicable penalties for violations under the bill's provisions.

The bill takes effect October 1, 2022.

## II. Present Situation:

According to the Insurance Institute for Highway Safety (IIHS),<sup>1</sup> speed has a major impact on the number of vehicle crashes and on the severity of resulting injuries, in that speed increases:

- The distance a vehicle travels from the time a driver detects an emergency to the time the driver reacts, the distance needed to stop a vehicle once the driver starts to brake, and the risk that an evasive steering maneuver will result in loss of control; and
- The crash energy exponentially; *e.g.*, when impact speed increases from 40 to 60 miles per hour (a 50 percent increase), the energy that needs to be managed increases by 125 percent.

The IIHS concludes that the higher the vehicle speed, the higher the likelihood that crash energy that can be managed by vehicles, restraint systems, and roadway characteristics (such as barriers and crash cushions) will exceed the limits of such vehicles, systems and characteristics available to vehicle occupants during a crash.<sup>2</sup>

Current state law generally prohibits a person from driving a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions, with regard to the existing actual and potential hazards.<sup>3</sup> A violation of this provision is a noncriminal traffic infraction, punishable as a moving violation. The fines (not including applicable court costs and fees) for unlawful speed under this provision are based on the miles per hour (mph) over which the vehicle exceeded the speed limit. The fines range from a warning for excess speed from one to five mph, to increasing penalties up to \$250 for excess speed 30 mph and above.<sup>4</sup>

In addition, a person who exceeds the posted speed limit in excess of 50 mph in violation of established and authorized speed limits on state limited access highways, other state roadways, and municipal and county roads must also be cited for a moving violation as an additional offense,<sup>5</sup> subjecting a violator to the same range of fines.

Other speed-related violations may result in enhanced penalties. For example:

- A violation for exceeding the speed limit by up to 5 mph in a legally posted school zone results in a \$50 fine; and
- A person exceeding the speed limit in a school zone or designated school crossing must pay a fine double the amount listed in the range of fines.<sup>6</sup>

Further, although possibly but not necessarily related to speeding, current law also provides that any person who drives a vehicle in willful and wanton disregard for the safety of persons or property is guilty of reckless driving.<sup>7</sup> The penalties for reckless driving are:

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<sup>1</sup> See IIHS-HLDI, available at <https://www.iihs.org/> (last visited January 13, 2022). “The IIHS is an independent, nonprofit scientific and educational organization dedicated to reducing deaths, injuries and property damage from motor vehicle crashes through research and evaluation and through education of consumers, policymakers and safety professionals.

<sup>2</sup> IIHS, *Dangers of Speed*, available at [Speed \(iihs.org\)](https://www.iihs.org/speed) (last visited January 13, 2022).

<sup>3</sup> Section 316.193(1), F.S.

<sup>4</sup> Section 318.18(3)(b), F.S.

<sup>5</sup> Section 318.1926(2), F.S. See ss. 316.183(2), 316.187, and 316.189, F.S., for the established and authorized speed limits.

<sup>6</sup> Section 318.18(3)(c), F.S.

<sup>7</sup> Section 316.192, F.S.

- For a first conviction: Mandatory imprisonment for not more than 90 days or by a fine not less than \$25 or more than \$500, or by both.
- For a second or subsequent conviction: Mandatory imprisonment for not more than six months or by a fine not less than \$50 or more than \$1,000, or by both.<sup>8</sup>

These penalties may be enhanced if a reckless driver also causes property damage or bodily injury to another, or causes serious bodily injury to another.<sup>9</sup> If the reckless driver causes damage to the property or person of another, the driver commits a first degree misdemeanor, which is punishable by a term of imprisonment not exceeding one year<sup>10</sup> and a possible \$1,000 fine.<sup>11</sup> If the reckless driver causes “serious bodily injury,”<sup>12</sup> the driver commits a third degree felony, which is punishable by a term of imprisonment not exceeding five years<sup>13</sup> and a possible \$5,000 fine,<sup>14</sup> with additional penalties for violent and habitual career and felony offenders.<sup>15</sup>

According to a recent summary of state reckless driving laws, certain acts are automatically deemed to be reckless in various states, such as:

- Driving 25 miles per hour (or more) over the posted speed limit;
- Racing another vehicle;
- Trying to elude a police-officer;<sup>16</sup> and
- On a two-lane highway, passing another vehicle when visibility of oncoming traffic is limited.<sup>17</sup>

The summary reflects that all states have a “reckless driving” statute, or one that addresses “speed that would or would likely endanger person or property,” “an unreasonably high rate of speed that endangers the safety, life, limb, or property of another,” or some similar variation on the theme of speed.<sup>18</sup>

At least two other states define reckless driving by a specific speed alone. In Connecticut, a person who drives on a highway at more than 85 mph – and in New Hampshire, more than 100 mph -- commits reckless driving.<sup>19</sup>

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<sup>8</sup> See s. 316.192(2), F.S.

<sup>9</sup> See s. 316.192(3), F.S.

<sup>10</sup> Section 775.082(4)(a), F.S.

<sup>11</sup> Section 775.083(1)(d), F.S.

<sup>12</sup> Defined to mean an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. Section 316.192(3)(c)2., F.S.

<sup>13</sup> Section 775.082(3)(e), F.S.

<sup>14</sup> Section 775.083(1)(c), F.S.

<sup>15</sup> Section 775.084, F.S.

<sup>16</sup> Such is the case under s. 316.192(1)(b), F.S.

<sup>17</sup> FindLaw, *Reckless Driving Laws By State*, Garcia, H., May 2021, available at <https://www.findlaw.com/traffic/traffic-tickets/reckless-driving.html> (last visited January 14, 2020).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

### **III. Effect of Proposed Changes:**

Section 1 of the bill amends s. 316.192(1)(a), F.S., relating to reckless driving. The bill provides that in addition to driving any vehicle in willful or wanton disregard for the safety of persons or property, a person who drives any vehicle 40 mph or more above the lawful or posted speed limit also commits reckless driving, subjecting the driver to the existing penalties for a first and second or subsequent violation as described above, as well as to the existing enhanced penalties when the reckless driver also causes damage to the property or person of another or causes serious bodily injury.

Section 2 amends s. 316.1926(2), F.S., currently requiring a person to be cited for a moving violation for exceeding the speed limit in excess of 50 mph in violation of established and authorized speed limits on state limited access highways, other state roadways, and municipal and county roads.

The bill amends this provision to require that a person who exceeds the lawful or posted speed limit by up to 39 mph (rather than 50 mph) in violation of the established and authorized speed limits described above continue to be cited for a moving violation. However, the bill requires a person who exceeds the lawful or posted speed limit by 40 miles per hour or more, having committed reckless driving by virtue of the revisions in section 1 of the bill, to be punished under the provisions of the reckless driving statute.

This revision subjects a violator to the existing punishments and fines described above for first, second, and subsequent reckless driving convictions, and for reckless driving that results in damage to the property or person of another, or serious bodily injury to another person.

Sections 3 through 8 amend various sections of law to incorporate amendments made by the bill.

Section 9 provides the bill takes effect October 1, 2022.

### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate, as the fiscal impact is dependent on the number of and applicable penalties for violations under the bill's provisions.

C. Government Sector Impact:

Indeterminate, as the fiscal impact is dependent on the number of and applicable penalties for violations under the bill's provisions.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.192 and 316.1926.

This bill re-enacts the following sections of the Florida Statutes: 318.14, 318.17, 318.18, 322.0261, 322.61, and 337.195.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.